

EXHIBIT A

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

23 Cr. 00490 (SHS)

5 ROBERT MENENDEZ, et al.

6 Defendants.

Conference

7
8
9 New York, N.Y.
May 6, 2024
11:00 a.m.

10
11 Before:

12 HON. SIDNEY H. STEIN,

13 U.S. District Judge

14 APPEARANCES

15 DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

16 PAUL M. MONTELEONI

17 ELI MARK

LARA E. POMERANTZ

18 DANIEL C. RICHENTHAL

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19 Assistant United States Attorneys

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21 Attorneys for Defendant Robert Menendez.

22 LAWRENCE S. LUSTBERG

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24 Attorneys for Defendant Wael Hana.

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1 matter whether or not Menendez called. We were letting anybody
2 at that time show up and do our testing. So I don't know how
3 the government plans to prove this, but we think to undermine
4 the purposes for which you have admitted it, we would need to
5 call at least that witness and perhaps others.

6 THE COURT: Government.

7 MR. RICHENTHAL: I think this depends on if the proof
8 comes in. If it's admitted, for example, to show that
9 Ms. Menendez's company was used a certain way that has no
10 relationship whatsoever to whether state officials felt
11 pressured by Mr. Menendez, I don't think it's right per your
12 Honor's decision. We've heard your Honor's decision. We've
13 heard Mr. Fee's remarks without commenting on the facts to
14 which he alludes. Let's see how the evidence comes in.

15 THE COURT: Well, it strikes me that this is not a
16 significant part of the government's case. You may avoid a
17 problem, but obviously the government will put its proof on.

18 Okay. Hana's motions in limine. I handled the first
19 one. Second one, you request the government to be precluded
20 from introducing evidence that Hana was not registered as an
21 agent of a foreign principal. He's not charged with not being
22 registered. He's arguing it's irrelevant and prejudicial. It
23 seems to me that that's right.

24 Let me hear the government. I mean, he's not being
25 charged with failure to register. What's the relevance?

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1 Government?

2 MR. RICHENTHAL: No, he's not, but our view is it goes
3 to at least two things: First, it goes to his consciousness of
4 guilt, that is, desire to conceal the actions he's undertaking
5 as an intermediary between the Egyptian Government and
6 Mr. Menendez.

7 THE COURT: That assumes he's required to be an agent.

8 MR. RICHENTHAL: Not necessarily. It assumes he may
9 believe he's required to be an agent. What's in his head,
10 rather than that the proof --

11 THE COURT: Fair enough.

12 MR. RICHENTHAL: Second, part of what's going to
13 happen in this case, we believe -- that's what we anticipate
14 we'll see is the jury needs to understand the distinction, as
15 is relevant here with respect to Egypt and -- between
16 registered kind of overt lobbyists, for lack of a better
17 phrase, and for lack of a better phrase again, sort of secret
18 quasi-lobbyists.

19 THE COURT: I understand that.

20 MR. RICHENTHAL: And for the jury to understand that,
21 our view is they need to understand there is a public database
22 with respect to those registered under FARA and a public
23 database with respect to those registered under the Lobbying
24 Disclosure Act, that, in fact, there were lobbyists for Egypt
25 at the contemporaneous time, and that the people that Mr.

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1 Menendez was liaising with, giving information through and
2 getting directions from were not those people.

3 To place that in front of the jury we think the jury
4 needs to understand in general, not terribly detailed, the
5 regime I just described, but the people --

6 THE COURT: But nobody's disagreeing with that. Go
7 ahead.

8 MR. RICHENTHAL: But one of the people I just
9 mentioned, that is, that I call an intermediary, is Mr. Hana.

10 THE COURT: Right.

11 MR. RICHENTHAL: So the jury would have to know
12 Mr. Hana does not appear in those databases, that he was not a
13 registered lobbyist.

14 THE COURT: You can adduce that. Go ahead.

15 MR. RICHENTHAL: And he was not a registered agent.

16 THE COURT: You can adduce, I mean, whatever those
17 forms show. Go ahead.

18 MR. RICHENTHAL: If we can adduce that Mr. Hana, as
19 relevant to this motion, was not a registered agent or
20 lobbyist, then I think your Honor, and maybe I'm
21 misunderstanding, has actually denied Mr. Hana's motion. That
22 is what we intend to adduce. We're not going to prove he had
23 to register. We would like to prove he did not register. That
24 is, he did not appear in his --

25 THE COURT: You can -- Mr. Fee, it seems to me the

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1 government can --

2 MR. FEE: It's the better one, your Honor.

3 MR. LUSTBERG: This is mine.

4 THE COURT: Oh, yes. Sorry.

5 MR. LUSTBERG: But maybe he'll have a better answer.

6 THE COURT: Mr. Lustberg.

7 MR. LUSTBERG: Yes.

8 THE COURT: It seems to me the government should be
9 able to produce lists of registered agents, and if Hana isn't
10 on it, Hana isn't on it.

11 MR. LUSTBERG: Your Honor, the key and I think we're
12 starting to reach an agreement here, is that they can't argue
13 that he should have registered. If they want to point out that
14 he did not register, that's much less prejudicial.

15 THE COURT: I think everyone understands.

16 Yes. Government.

17 MR. RICHENTHAL: Yes. He's not charged with that
18 offense. We're not going to argue he committed that offense.
19 Absolutely.

20 THE COURT: All right.

21 MR. LUSTBERG: That's what we want.

22 THE COURT: Excellent. Thank you.

23 Those are the in limines, and you have my statement on
24 the stipulation for the Rule 15. Let's handle some other
25 things.